

**STATEMENT
OF
THE HONORABLE ASA HUTCHINSON
UNDER SECRETARY
FOR
BORDER AND TRANSPORTATION SECURITY
U.S. DEPARTMENT OF HOMELAND SECURITY**

REGARDING A HEARING ON

**"DEPARTMENT OF HOMELAND SECURITY TRANSITION:
BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT"**

BEFORE THE

**HOUSE SUBCOMMITTEE ON IMMIGRATION, BORDER
SECURITY, AND CLAIMS
COMMITTEE ON THE JUDICIARY**

**Thursday, April 10, 2003
10:00 am
2237 Rayburn House Office Building**

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE,
Thank you for the opportunity today to update you on the transition of the legacy Immigration and

Naturalization Service (INS) and the U.S. Customs Service into the newly created Department of Homeland Security (DHS). I would like to focus on the establishment of the Bureau of Immigration and Customs Enforcement (BICE), and in particular the immigration enforcement component, a vital part of both the Bureau and the Department.

When Homeland Security Act of 2002 abolished the INS, its enforcement functions were moved into the Border and Transportation Security Directorate. The interior enforcement functions of INS merged with the interior enforcement functions of Customs, and the Federal Protective Service (FPS) to form BICE, which deals with interior enforcement and investigations. The border functions of INS merged with the border functions of Customs and APHS to form the Bureau of Customs and Border Protection (BCBP). Both BICE and BCBP report to me as the Under Secretary of the Border and Transportation Security Directorate (BTS).

BICE is charged with enforcing immigration and customs laws within the United States, giving it one of the most complex and far-reaching missions within the Department. It is responsible for investigating immigration violations, migrant and contraband smuggling, money laundering, trade fraud, and many other criminal activities frequently linked to terrorism. Meeting these responsibilities as well as our other statutory missions, requires a robust intelligence capability, an air and marine interdiction capability, and an ability to apprehend, detain, and remove illegal aliens. In addition, BICE is charged with protecting more than 8,000 Federal facilities nationwide against terrorism, employing the Federal Protective Service (FPS) for that purpose.

BICE brings together approximately 14,000 employees, including some 5,500 criminal investigators. This makes it the second largest investigative team in Federal law enforcement, with only the FBI being larger.

No mission of the U.S. government is more critical than protecting the Nation and the American people from future terrorist attacks, and that is what BICE along with its DHS and FBI partners are responsible for doing. The law-enforcement functions of BICE are fundamental to protecting the homeland, which is why we made carrying out these functions with minimal interruption our top priority during transition.

To ensure continuity of operations and DHS proper DHS coordination, the BICE transition is being accomplished in a phased manner. On March 1, components of the legacy INS, Customs and FPS came together under an interim reporting structure. Integration of these functions now occurs at BICE Headquarters. The interim structure relies largely on existing chains of command at the field level with the exception of the immigration interior enforcement functions, for which we have established interim District and Regional Directors for Enforcement. Significant work has already been done to analyze and design headquarters and field structures for the longer term, which we will be implementing over the next several months.

The planning and decisions made to date will be incorporated in and supplemented by the implementation plan that DHS will send to Congress by May 24, in accordance with the Homeland Security Act. This plan will include detailed information about the separation of the legacy INS' enforcement functions, including:

- Organizational structure of Headquarters and the field;
- Chains of command;
- Procedures for interaction among BICE, and CBP; and
- Fraud detection and investigation.

The transition of the legacy INS and Customs investigative resources and functions into BICE is proceeding with vigor, driven by a commitment to ensuring that it is completed as expeditiously as possible, while maintaining effective and comprehensive enforcement of immigration and customs laws. The President's FY 2004 budget request for BICE will bolster the Bureau's efforts to fulfill this commitment. The \$2.8 billion request includes \$1.1 billion to support investigative activities, including immigration, fraud, forced labor, trade agreement investigations, smuggling and illegal transshipment, vehicle and cargo theft. With these funds, BICE will protect the integrity of the lawful immigration system by countering alien

smuggling, combating document and benefit fraud, and identifying and removing those who are in the United States illegally.

Historically, enforcing our immigration and customs laws in the Nation's interior has been an exceptionally demanding and challenging mission. The tragic events of September 11, 2001, and our ensuing national commitment to combat terrorism and those who harbor and support terrorists added to the demands and challenges our agents face. Nevertheless, they remain undaunted.

Our highest priority is preserving and protecting the security of our country and its citizens. To meet this priority, we developed a strategy designed to establish a robust continuum of enforcement from the Nation's interior to its borders and out to the farthest reaches of home countries of illegal aliens and goods and the countries they transit through coming to the United States. BICE's interior immigration and customs enforcement strategy seeks to:

- Deter, disrupt and disable terrorist plans, organizations and support networks;
- Identify, apprehend, and remove aliens who threaten the safety and security of the nation;
- Deter and diminish smuggling and trafficking of aliens;
- Protect businesses of national security interest from the vulnerabilities created by the employment of unauthorized alien workers;
- Identify, apprehend, and remove alien criminals;
- Minimize immigration benefit fraud and other document abuse; and
- Respond to community needs related to illegal immigration.

Currently, responsibility for meeting certain of these strategic objectives rests with the Special Agents and Deportation Officers who were reassigned to BICE from the legacy INS. BICE is also staffed by Special Agents from legacy Customs and the FPS. To differentiate among Special Agents, this testimony will refer to those who came from INS as "Special Agents with immigration expertise". Before moving on, it is important to note that we are working diligently to integrate training for both current and future BICE Special Agents, which will greatly expand our capability to enforce immigration law as well as to carry out our other customs-related enforcement functions.

Special Agents with immigration expertise are tasked with a wide range of critical responsibilities related to thwarting terrorists and those who support them. These include serving on FBI-led Joint Terrorism Task Forces and the Foreign Terrorist Tracking Task Force. BICE Special Agents with immigration expertise working with the Joint Terrorism Task Forces play a significant role in strengthening our national security. They have been proactively investigating, targeting, and arresting known terrorists, terrorist organization leaders, members, and associates. Working closely with the FBI, these agents have conducted more than 6,800 joint interviews since September 11, 2001.

In addition, Special Agents with immigration expertise actively participate in Federal, state, and local task forces that target criminal activities and enterprises that frequently involve aliens. These include the Violent Gang Task Forces, which have been established in major cities across the country, and the Organized Crime Drug Enforcement Task Forces, which are active in nearly 60 U.S. cities.

On March 20 of this year, agents from BICE began seeking out Iraqi nationals believed to be unlawfully in the United States and apprehending them. The joint initiative, carried out as part of Operation Liberty Shield, is aimed at taking individuals off the street who might pose a threat to the safety and security of the American people. The Iraqis targeted as part of the effort were identified using a range of intelligence criteria. The operation is ongoing.

In January 2002, the investigations and detention and removal components of legacy INS launched the Absconder Apprehension Initiative. This initiative is aimed at aggressively tracking, apprehending, and removing aliens who have violated U.S. immigration law, been ordered deported, then fled before the

order could be carried out. The first phase targets some 5,900 aliens from countries where Al Qaeda is known to operate or recruit. The second phase of this initiative focuses on the apprehension and removal of more than 300,000 aliens with unexecuted final orders of removal. To facilitate locating these aliens, we are entering their names into the FBI's National Crime Information Center (NCIC) so that the added weight of other Federal, state, and local law enforcement officers is brought to bear on this mission.

Special Agents with immigration expertise involved in work-site enforcement are also focusing their efforts on people who pose threats to our homeland security. Before September 11, the worksite enforcement strategy targeted employers who abuse their workers and violate other Federal and state laws, regardless of industry or geography. Today, we are more sharply focused on protecting businesses of homeland security interests from the vulnerabilities created by the employment of unauthorized workers.

Operation Tarmac, for example, was launched in recognition of the fact that illegal workers at airports pose a serious security risk. It aims to ensure that people working in secure areas at airports were properly documented and to remove those without proper documentation. So far, more than 224,000 Employment Eligibility Verification Forms (Forms I-9) have been audited at more than 3,000 airport businesses. More than 900 unauthorized aliens have been arrested, with more than two-thirds of them being charged with criminal violations. As part of Operation Tarmac, security officials responsible for granting access badges to secure areas are being provided with fraudulent document training.

Operation Glowworm, uses the same goals and methodologies to enhance the security of our Nation's nuclear power facilities. Field offices have already investigated 89 nuclear plants and facilities and 65,000 permanent and contract employees with direct plant and facility access.

BICE's Anti-Smuggling Program aims to dismantle smuggling organizations with links to terrorism and others groups that pose a risk to our national security. Available information indicates terrorist organizations often use human smuggling rings to move around the globe, which makes investigating and dismantling these organizations a vital part of our overall effort to enhance homeland security.

Focusing our anti-smuggling resources on domestic security led to the initiation of Operation Southern Focus, a multi-jurisdictional effort launched in January 2002. This operation targeted large-scale smuggling organizations specializing in the movement of U.S.-bound aliens from countries of concern. Many targets of Operation Southern Focus were believed to be responsible for smuggling hundreds of aliens into the country. Since the inception of this operation, eight significant alien smugglers have been arrested and charged with alien smuggling violations, and significant alien smuggling pipelines have been severely disrupted.

Ensuring that foreign students comply with the terms of their visas is also vital to our nation's security. That is why Student and Exchange Visitor Information System (SEVIS) was developed and deployed. This new Internet-based system will greatly enhance the government's ability to manage and monitor foreign students and exchange program visitors and their dependents during their stay in the United States.

SEVIS maintains critical, up-to-date information that can be accessed electronically, making it a powerful tool for combating fraud and for ensuring that individuals comply with the terms of their visa. Student status violators who may present a heightened security risk are immediately referred to the BICE National Security Unit for appropriate action as determined by the Unit. All others are being prioritized based upon other factors such as criminal history and prior adverse immigration history, and then referred to the appropriate field office.

The National Security Entry Exit Registration System (NSEERS) is also playing an important role in support of our anti-terrorism efforts. Since its implementation in September 2002, more than 110,000 individuals from over 140 countries have been registered. Special Agents with immigration expertise are responsible for interviewing and processing NSEERS registrants referred for investigation of possible

immigration violations, criminal violations, or on terrorism-related matters. To date, NSEERS has resulted in the identification of 11 aliens linked to terrorism, the arrest of more than 50 criminal aliens, and the issuance of more than 6,200 notices to appear for removal proceedings.

Immigration benefit and document fraud are also criminal activities that pose serious risks to national security. Investigating these activities is another responsibility of our Special Agents with immigration expertise, and it is also another area where BICE continues to have success even as its transition continues. Early last month, for example, agents seized tens of thousands of fraudulent government identity documents in New York City. These documents, which had a street value of more than \$3 millions, included Resident Aliens Cards, Employment Authorization Cards, Social Security Cards, and driver's licenses from 10 different states.

BICE extends the reach of its Special Agents by providing support to state and local law enforcement through the Law Enforcement Support Center (LESC) located in Burlington, Vermont. The Center's primary mission is to help local law enforcement agencies determine if a person they have contact with or have in custody, is in fact an illegal, criminal, or fugitive alien. The LESO provides an around-the-clock link between Federal, state, and local officers and the immigration databases maintained by BICE.

When a law-enforcement officer arrests an alien, LESO personnel are able to provide him or her with vital information and guidance, and if necessary, place the officer in contact with an BICE immigration officer in the field. The partnerships fostered by the LESO increase public safety. Every day, they result in the apprehension of individuals who are unlawfully present in the United States, many of who have committed a crime and pose a threat to the local community or our Nation.

In FY 2002, the LESO received 426,895 law-enforcement inquiries. These included 309,489 from state and local law enforcement, 24,646 inquiries regarding foreign nationals seeking to purchase firearms, and 24,646 investigative inquiries. The LESO lodged 2,112 detainers for the detention of unauthorized aliens. Additionally, the LESO processed 3,818 queries relating to NCIC hit confirmation requests.

Another way in which BICE continues to respond to the needs of the law enforcement community is through Quick Response Teams (QRTs), which have been established across the United States. There are BICE Special Agents with immigration expertise and Deportation Officers assigned to QRTs. Their primary duty is to work directly with state and local enforcement officers to take into custody and remove illegal aliens who have been arrested for violating state or local laws or who are found to be illegally in the U.S.

Clearly, deterring illegal migration and combating immigration-related crime have never been more critical to our national security. The men and women of BICE are tackling this challenging mission with great diligence, deeply determined to ensure that no duty is neglected even as they continue to adjust to their new home. I am eager to work with you and the other members of Congress make sure that they have what they need to provide the American people with the level of security they demand and deserve. Thank you. I look forward to your questions.

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